

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

4:08CR3067

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

GARY ZIERKE, JR.,

Defendant.

The matter is before me on Defendant's notice of appeal (filing [227](#)) and motion for leave to appeal in forma pauperis (filing [228](#)). Defendant's motion for leave to appeal in forma pauperis is denied as frivolous. (See Filings [207](#), [218](#) and [219](#).)

IT IS ORDERED:

1. Defendant's motion for leave to appeal in forma pauperis (filing [228](#)) is denied as frivolous.
2. The Clerk shall provide the Court of Appeals with a copy of this memorandum and order.
3. The Clerk shall not further process the notice of appeal (filing [227](#)) unless ordered to do so by the Court of Appeals.

DATED this 28th day of February, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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